

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



**MEETING MINUTES
WEDNESDAY, DECEMBER 17, 2014
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Sharon Stroud, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.

ABSENT: None.

ALSO PRESENT: City Manager Ready, Assistant City Manager/City Engineer Fuller, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet announced the recent victories by the Palm Springs High School CIF Football and Volleyball championships, and announced the upcoming parade.

Mayor Pougnet and the City Council presented a Certificate of Recognition to Bette O'Camb for her public service, and wished her the best in her retirement.

Mayor Pougnet announced the recent Palm Springs Walk of Stars dedication to Tim Bradley, provided an update on the Holiday Tree Lighting, Christmas Tree Lane, and Festival of Lights Parade.

Mayor Pougnet announced the upcoming Palm Springs BUZZ launch event, the 2015 Palm Springs International Film Festival, and the 2015 Mayor's Race and Wellness Festival.

Councilmember Foat provided an update on pet adoptions at the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

ITEM NO. 2.B.

City Attorney Holland stated the meeting was called to order at 4:30 p.m., the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda, and reported the City Council provided direction to Staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Item 2.E. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

1.A. ANNEXATION OF CERTAIN PROPERTIES INTO CFD 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 5, NO. 6 AND NO. 7, CALLING AND CONDUCTING THE SPECIAL ELECTION, AND INTRODUCTION OF ORDINANCES AUTHORIZING THE LEVY OF SPECIAL TAXES IN THE COMMUNITY FACILITIES DISTRICT:

Mayor Pougnet stated he has a conflict of interest with respect to the Dakota Annexation and would abstain from participation and voting from all actions for Annexation No. 6.

Councilmember Mills stated he has a business related conflict of interest with respect to the Sol Annexation and would abstain from participation and voting from all actions for Annexation No. 5.

City Clerk Thompson provided background information as outlined in the Staff Report dated December 17, 2014.

Councilmember Foat requested Staff address the amount of the assessment and any other assessments that could be included.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed. City Clerk Thompson stated now is the time for any qualified landowner to file a written protest for Annexation No. 5, Annexation No. 6, and Annexation No. 7, no protests were filed, the Council may adopt the three resolutions.

ACTION: Adopt Resolution No. 23721, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO COMMUNITY

FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS (ANNEXATION NO. 5);" 2) Adopt Resolution No. 23722, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS (ANNEXATION NO. 6);" and 3) Adopt Resolution No. 23723, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS (ANNEXATION NO. 7)." **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried on a roll call vote, noting the abstention of Mayor Pougnet on Resolution No. 23722, and the abstention of Councilmember Mills on Resolution No. 23721.**

City Clerk Thompson stated now is the time for any qualified landowner to file a ballot for Annexation No. 5, Annexation No. 6, and Annexation No. 7, no further ballots being filed.

City Clerk Thompson stated he canvassed the results of the special election and executed the Canvass and Statement of Result of election as follows: Annexation No. 5, eight votes cast, eight yes votes cast, zero no votes cast; Annexation No. 6, seven votes cast, seven yes votes cast, zero no votes cast; Annexation No. 7, one vote cast, one yes vote cast, zero no votes cast; 2/3rds of the property owners voting yes for each Annexation, the City Council may proceed with adopting the three resolutions and introduce the three ordinances.

ACTION: 4) Adopt Resolution No. 23724, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN (ANNEXATION NO. 5);" 5) Adopt Resolution No. 23725, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN (ANNEXATION NO. 6);" 6) Adopt Resolution No. 23726, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN (ANNEXATION NO. 7);" 7) Waive reading of the full text and introduce on first reading by title only, Ordinance No. 1865, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 5);" 8) Waive reading of the full text and introduce on first reading by title only, Ordinance No. 1866, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 6);" and 9) Waive reading of the full text and introduce on first reading by title only, Ordinance No. 1867, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 7)." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote, noting the abstention of Mayor Pougnet on Resolution No. 23725 and Ordinance No. 1866, and the abstention of Councilmember Mills on Resolution No. 23724 and Ordinance No. 1865.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 1.B., would not participate in the discussion or the vote, and left Council Chamber.

1.B. ALTA VERDE, LLC, TENTATIVE TRACT MAP (TTM) 36723 TO SUBDIVIDE APPROXIMATELY 7.21 ACRES OF VACANT LAND INTO 14 SINGLE-FAMILY RESIDENTIAL LOTS, PLANNED DEVELOPMENT DISTRICT (PDD) 371, AND A MAJOR ARCHITECTURAL APPROVAL TO CONSTRUCT 14 SINGLE-FAMILY RESIDENTIAL HOMES WITHIN THE CANYON PARK SPECIFIC PLAN AREA LOCATED AT 1000 BOGERT TRAIL AND CEQA FOCUSED ENVIRONMENTAL IMPACT REPORT (CASE 5.1342/TTM 36723 /PDD 371):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated December 17, 2014.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

ANDREW ADLER, Applicant, commented on the amenities of the project, noted the architecture enhancements, and the use of a Planned Development District.

EMILY HEMPHILL, provided legal context for the use of the Planned Development District.

MARVIN ROOS, commented on the history for the proposed development.

SKIP RUDNICK, stated the development will not impact the surrounding neighbors, and requested the City Council approve the project.

No further speakers coming forward, the public hearing was closed.

ACTION: Adopt Resolution No. 23727, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING A FOCUSED ENVIRONMENTAL IMPACT REPORT (EIR) AND APPROVING TENTATIVE TRACT MAP 36723 (TTM 36723), FOR THE CREATION OF A 14-LOT SUBDIVISION ON APPROXIMATELY 7.2-ACRE LAND, PRELIMINARY PLANNED DEVELOPMENT DISTRICT 371 (PDD 371) AND A MAJOR ARCHITECTURAL APPROVAL FOR THE CONSTRUCTION OF 14 SINGLE-FAMILY RESIDENCES LOCATED AT 1000 BOGERT TRAIL, WITHIN THE CANYON PARK SPECIFIC PLAN AREA, ZONE R-1-B, SECTION 35;" *amending one sentence contained in Condition of Approval No. FID 6 to read "One is a cul-de-sac with an outside turning radius 43 feet from the centerline."* **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Lewin, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Mills.

Councilmember Mills returned to the dais.

1.C. PROPOSED ORDINANCE TO AMEND THE PALM SPRINGS ZONING CODE RELATING TO EMERGENCY SHELTERS IN THE M-2 (MANUFACTURING) DISTRICT AND CEQA NOTICE OF EXEMPTION (CASE 5.1332-ZTA):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated December 17, 2014.

Mayor Pougnet opened the public hearing, and the following speaker addressed the City Council.

NIKOHL VANDEL, Palm Springs, commented on the homeless issues in the City of Palm Springs.

No further speakers coming forward, the public hearing was closed.

ACTION: Waive the reading of the ordinance text in its entirety and introduce on first reading Ordinance No. 1868, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE SECTION 92.17.1.01 RELATING TO EMERGENCY SHELTERS." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.D. PROPOSED ORDINANCE TO AMEND THE PALM SPRINGS ZONING CODE RELATING TO ACCESSORY AND CONDITIONALLY PERMITTED USES:

ACTION: 1) Table the public hearing with no public testimony at this time; and 2) Direct the City Clerk to re-notice the Public Hearing pursuant to law. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.E. VIA OLIVERA, LLC, TENTATIVE PARCEL MAP (TPM) 36737 FOR A FIVE (5) LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PDD) 373, AND A MAJOR ARCHITECTURAL APPLICATION AT 199 WEST VIA OLIVERA AND CEQA NOTICE OF EXEMPTION (CASE. 5.1348/TPM 36737/PDD 373/3.3730 MAJ):

ACTION: 1) Continue the public hearing to January 7, 2015; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

1.F. APPROVE TWO HOTEL OPERATIONS COVENANT AGREEMENTS WITH THE PALM SPRINGS PROMENADE, LLC (MARRIOTT AC HOTEL) AND EQUI-CAP, LLC (SELENE PALM SPRINGS RESORT) PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated December 17, 2014.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: 1) Adopt Resolution No. 23728, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A HOTEL OPERATIONS INCENTIVE COVENANT WITH PALM SPRINGS PROMENADE, LLC FOR THE CONSTRUCTION OF A 135 ROOM MARRIOTT AC HOTEL AT THE SOUTHWEST CORNER OF NEW MAIN STREET AND BELARDO ROAD;" 2) Adopt Resolution No. 23729, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

PALM SPRINGS, CALIFORNIA, APPROVING A HOTEL OPERATIONS INCENTIVE COVENANT WITH EQUI-CAP, LLC FOR THE CONSTRUCTION OF A 205 ROOM SELENE PALM SPRINGS RESORT HOTEL AT THE NORTHEAST CORNER OF CALLE ALVARADO AND AMADO ROAD;" and 3) Authorize the City Manager to execute all necessary documents. A6641. A6642. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.G. PARKING EASEMENT WITH PALM SPRINGS, LLC, FOR PUBLIC PARKING LOCATED AT 400 NORTH PALM CANYON DRIVE:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated December 17, 2014.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

Councilmember Foat questioned if the easement included public parking.

ACTION: 1) Approve Parking Easement with Palm Springs, LLC, a California limited liability company ("Owner"); and 2) Authorize the City Manager to execute all documents to effectuate the Amendment. A6643. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JAMES HAYTON, Palm Springs, commented on Item 2.P. regarding pickleball and requested the City Council not convert the tennis court on the west end.

FRANK TYSEN, stated his opposition to Item 4.A., regarding the event center at the Downtown Revitalization Project.

NIKOHL VANDEL, Palm Springs, announced the upcoming Community Involvement event by PSUSD.

PETER MORUZZI, Palm Springs, requested the City Council approve Item 2.E., submitting Albert Frey properties to the National Register of Historic Places.

MARK DAVIS, requested the City Council approve Item 2.E., submitting Albert Frey properties to the National Register of Historic Places.

RICK PANTELE, commented on smart growth concepts for the City of Palm Springs.

GEORGE ZANDER, Palm Springs, commented on the un-housed population in the City of Palm Springs, and requested the City form a committee to address the needs of the homeless.

SID CRAIG, commented on Item 2.P., regarding the conversion of one tennis court to pickleball, and requested the City Council approve the pickleball court in Demuth Park.

COUNCILMEMBER COMMENTS:

Councilmember Hutcheson requested Staff address the conversion of a tennis court to a pickleball court in Demuth Park.

Councilmember Foat commented on the process of forming a committee to address the needs of the homeless in the City of Palm Springs.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on Palm Springs International Airport banners, and Palm Springs Buzz signs.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.S., and 2.T. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

2.A. REPORT ON THE POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the December 17, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVE SUBSTITUTION OF REMARKETING AGENT FOR THE CERTIFICATES OF PARTICIPATION TO FINANCE THE DOWNTOWN PARKING STRUCTURE:

ACTION: 1) Approve a Remarketing Agreement with Mitsubishi UFJ Securities (USA), Inc., for the Certificates of Participation issued for the Downtown Parking Structure; 2) Terminate the current Remarketing Agreement with Stifel, Nicolaus & Company, Incorporated; and 3) Authorize the City Manager to execute all necessary documents. A4552. A6644. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 23729, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-22-14 BY WARRANTS NUMBERED 418907 THROUGH 418926 TOTALING \$37,845.83, LIABILITY CHECKS NUMBERED

1075187 THROUGH 1075208 TOTALING \$107,721.85, FIVE WIRE TRANSFERS FOR \$45,628.28, AND THREE ELECTRONIC ACH DEBITS OF \$1,153,565.41 IN THE AGGREGATE AMOUNT OF \$1,344,761.37, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23730, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1075209 THROUGH 1075293 IN THE AGGREGATE AMOUNT OF \$618,419.25, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23731, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1075294 THROUGH 1075427 IN THE AGGREGATE AMOUNT OF \$2,323,264.93, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF NOVEMBER 2014:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of November 1 through November 30, 2014. **Approved as part of the Consent Calendar.**

2.F. CHANGE ORDER NO. 1 TO PURCHASE ORDER NO. 15-0309 WITH MSA CONSULTING, INC. ADDING HYDROLOGY STUDY SERVICES:

ACTION: Approve Change Order No. 1 to Purchase Order No. 15-0309 with MSA Consulting, Inc. adding hydrology study services in the amount of \$9,000. **Approved as part of the Consent Calendar.**

2.G. PROFESSIONAL SERVICES AGREEMENT WITH TRANSTECH ENGINEERS, INC. IN THE AMOUNT OF \$484,102 FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE BOGERT TRAIL BRIDGE REHABILITATION PROJECT (FEDERAL AID PROJECT NO. BHLS 5282 (026) [CP 07-03]):

ACTION: 1) Approve an agreement with Transtech Engineers, Inc. in the amount of \$484,102 for construction management services related to the Bogert Trail Bridge Rehabilitation Project (Federal Aid Project No. BHLS 5282 (026) [CP 07-03]); and 2) Authorize the City Manager to execute all documents. A6645. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT TO THE CITY OF PALM SPRINGS CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974:

ACTION: Adopt Resolution No. 23732, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE ADOPTED BY RESOLUTION NO. 22841." **Approved as part of the Consent Calendar.**

- 2.I. FINAL TRACT MAP 36756 FOR A 104 UNIT APARTMENT COMPLEX LOCATED AT 1700 ARABY DRIVE:**
ACTION: Adopt Resolution No. 23733, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 36756 FOR PROPERTY LOCATED AT 1700 ARABY DRIVE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST." **Approved as part of the Consent Calendar.**
- 2.J. REQUEST BY VIVA LAS PALOMAS, LLC ON BEHALF OF 450 PALM CANYON DRIVE LLC FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED COCKTAIL LOUNGE AT 450 SOUTH PALM CANYON DRIVE:**
ACTION: Adopt Resolution No. 23734, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR PROPERTY LOCATED AT 450 SOUTH PALM CANYON DRIVE, WITHIN CENSUS TRACT 0446.06." **Approved as part of the Consent Calendar.**
- 2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A6288 WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT, LIGHTING & LANDSCAPE MAINTENANCE DISTRICT, COMMUNITY FACILITIES DISTRICT, AND COUNTY SERVICE AREA ADMINISTRATION SERVICES:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6288 with NBS Government Finance Group, for Community Facilities District annexation services for the remainder of the current contract term through June 30, 2017, per schedule of fees as provided in Exhibit A-and 2) Authorize the City Manager to execute all necessary documents in a form approved by the City Attorney. A6288. **Approved as part of the Consent Calendar.**
- 2.M. APPROVAL OF MINUTES:**
ACTION: Approve the City Council Minutes of December 3, 2014. **Approved as part of the Consent Calendar.**
- 2.N. APPROVE AN AGREEMENT WITH KONE, INC. FOR THE REPLACEMENT OF TWO ESCALATORS AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**
ACTION: 1) Approve an Agreement with Kone, Inc. for all the materials, equipment, and labor associated with the replacement and installation of two escalators at the Airport's Bono Concourse in the amount of \$548,914.24; and 2) Authorize the City Manager to execute all necessary documents, and change order authority up to a ten (10) percent increase

over the total project amount. A6647. **Approved as part of the Consent Calendar.**

2.O. APPROVE AN AGREEMENT WITH COREY AIRPORT SERVICES FOR THE AIRPORT ADVERTISING CONCESSIONS PROGRAM:

ACTION: 1) Approve an Agreement with Corey Airport Services for a term of five years for the Airport Advertising Concessions Program; and 2) Authorize the City Manager to execute all necessary documents in a form approved by the City Attorney. A5855. **Approved as part of the Consent Calendar.**

2.P. CONVERSION OF ONE TENNIS COURT TO FOUR PICKLEBALL COURTS AT DEMUTH PARK:

ACTION: Approve the conversion of one tennis court to four pickleball courts at Demuth Park, insofar as the total cost does not exceed \$15,000. **Approved as part of the Consent Calendar.**

2.Q. DELAY START OF CONSTRUCTION TO JUNE 1, 2015, FOR THE ANDREAS ROAD TWO-WAY CONVERSION PROJECT (CP 13-27):

ACTION: Authorize the City Manager to direct Golden Vista Construction, Inc., dba Golden Valley Construction, to delay the start of construction for the Andreas Road Two-Way Conversion Project to June 1, 2015, (CP 13-27). A6578. **Approved as part of the Consent Calendar.**

2.R. HERO PROPERTY ASSESSED CLEAN ENERGY PROGRAM:

ACTION: Adopt Resolution No. 23736, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO." **Approved as part of the Consent Calendar.**

2.S. PROPOSED RESOLUTION DETERMINING TO UNDERTAKE PROCEEDINGS TO REQUEST THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FORM A COMMUNITY FACILITIES DISTRICT FOR THE SELENE PALM SPRINGS RESORT PROJECT AT THE NORTHEAST CORNER OF AMADO ROAD AND CALLE ALVARADO:

ACTION: 1) Adopt Resolution No. 23737, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING TO UNDERTAKE PROCEEDINGS TO REQUEST THAT THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FORM A COMMUNITY FACILITIES DISTRICT WITHIN THE

CITY FOR THE SELENE PALM SPRINGS RESORT PROJECT;" and 2) Authorize the City Manager to execute all necessary documents.
Approved as part of the Consent Calendar.

2.T. ENDORSING THE GREEN FOR LIFE PROGRAM INCLUDING A CLIMATE ACTION PLAN, GREENHOUSE GAS INVENTORY, ENERGY ACTION PLAN, BENCHMARKING POLICY, AND COMMISSIONING/RETRO-COMMISSIONING POLICY:

ACTION: Adopt Resolution No. 23738, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ENDORSING THE GREEN FOR LIFE PROGRAM, INCLUDING THE CLIMATE ACTION PLAN AND GREENHOUSE GAS INVENTORY, THE ENERGY ACTION PLAN, ENERGY BENCHMARKING POLICY FOR MUNICIPAL BUILDINGS, AND COMMISSIONING/RETRO-COMMISSIONING POLICY." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. APPROVE THE SUBMITTAL OF NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES FOR THE WORKS OF ALBERT FREY TO INCLUDE PALM SPRINGS CITY HALL, FIRE STATION NO. 1, AND THE TRAMWAY GAS STATION:

Councilmember Mills requested Staff address if the submission is for the building only and not the entire site.

ACTION: Approve the submittal of nomination to the National Register of Historic Places for Palm Springs City Hall, Fire Station No. 1, and the Tramway Gas Station. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.L. PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA, DEPARTMENT OF URBAN RESOURCES, URBAN STREAMS RESTORATION PROGRAM FOR THE TAHQUITZ CREEK TRAIL TRIANGLE GATEWAY PROJECT:

Councilmember Foat requested Staff address if applying for the grant will delay the timing of the project.

ACTION: Adopt Resolution No. 23735, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ENDORSING THE APPLICATION FOR AN URBAN STREAMS RESTORATION PROGRAM GRANT AND DETERMINING APPROPRIATE ENVIRONMENTAL IMPACT DOCUMENT, CONDITIONALLY ACCEPTING GRANT IF OFFERED, AND DESIGNATING PROJECT REPRESENTATIVE, CONTRACT MANAGER, AND FISCAL AGENT;" and 2) Authorize the City Manager to execute required

applications, documents and agreements associated with the Urban Streams Restoration Program grant. A6646. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **APPROVE A PURCHASE AGREEMENT AND ESCROW INSTRUCTIONS WITH PALM SPRINGS PROMENADE, LLC RELATED TO THE ACQUISITION OF THE EVENT CENTER SPACE, PROVISION OF ADDITIONAL ON-SITE PARKING AND IMPROVED PARKING MANAGEMENT RIGHTS, ALLOCATION AND SHARING OF CERTAIN COSTS AND FEES; AUTHORIZE ADDITIONAL CITY REQUESTED EVENT CENTER AND PARKING STRUCTURE WORK; AND APPROVAL OF A PARTIAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK C-1 AND BLOCK A OF PALM SPRINGS DOWNTOWN PROJECT:**

City Manager Ready and John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated December 17, 2014.

City Manager Ready noted the change order cost to be inserted into the documents is \$1,296,000, and City Attorney Holland stated the City Council was provided a list of change orders and a proposed resolution.

Mayor Pro Tem Lewin noted the change orders are for the public improvements requested by the City.

Mayor Pougnet commented on parking for the site for the underground parking.

Councilmember Mills commented on the proposed cost for the public improvements for changes requested by the City.

Councilmember Hutcheson commented on the additional parking.

Councilmember Foat questioned if the motion and the vote could be bifurcated.

ACTION: 1) Approve Purchase Agreement and Escrow Instructions with Palm Springs Promenade administered by First American Title Company, Escrow Holder, File No. RIW-4765919 (SE), dated November 10, 2014; 2) Authorize the provision of additional City requested work consistent with Scope of Work Related to the Event Center Preparation and Parking Structure Upgrades, approved by City Council on November 17, 2014; 3) Approve a Partial Release of Performance Deed of Trust by and between

the City of Palm Springs (Beneficiary) and Palm Springs Promenade, LLC (Trustor) for Block A and Block C-1; 4) Authorize the City Manager to execute all documents and/or agreements in a form approved by the City Attorney necessary or appropriate to implement the approvals and authorizations described in this recommendation; and 5) Adopt Resolution No. 23739, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PURCHASE AGREEMENT AND ESCROW WITH PALM SPRINGS PROMENADE, LLC RELATED TO THE ACQUISITION OF THE EVENT CENTER SPACE, PROVISION OF ADDITIONAL ON-SITE PARKING AND IMPROVED PARKING MANAGEMENT RIGHTS, ALLOCATION AND SHARING OF CERTAIN COSTS AND FEES; AUTHORIZE ADDITIONAL CITY REQUESTED EVENT CENTER AND PARKING STRUCTURE WORK; AND APPROVAL OF A PARTIAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK C-1 AND BLOCK A OF PALM SPRINGS DOWNTOWN PROJECT." A6144. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.
NOES: Councilmember Foat.

5. NEW BUSINESS:

5.A. DISMISS THE BID PROTESTS FROM CONSERVE LANDCARE AND MARINA LANDSCAPE, INC., AND WAIVE ANY INFORMALITY (NON-RESPONSIVENESS) AND AWARD A CONSTRUCTION CONTRACT TO GOLDEN VISTA CONSTRUCTION, INC. DBA GOLDEN VALLEY CONSTRUCTION FOR THE TAHQUITZ CANYON WAY MEDIAN LANDSCAPING PHASE 2 PROJECT (CP 13-33):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated December 17, 2014.

Councilmember Mills commented on the proposed project, and thanked City Staff for bringing this topic forward.

ACTION: 1) Dismiss the bid protest submitted by Conserve LandCare dated November 26, 2014; 2) Dismiss the bid protests submitted by Marina Landscape, Inc., dated December 1 and 8, 2014; 3) Waive any informality (non-responsiveness), and award a construction contract to Golden Vista Construction, Inc., dba Golden Valley Construction, in the amount of \$1,328,315 for the Tahquitz Canyon Way Median Landscaping Phase 2 Project (CP 13-33); 4) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 5% of the contract amount (\$66,416); and 5)

Authorize the City Manager to execute all necessary documents. A6648.
Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.

Councilmember Foat stated she has a property-ownership-related conflict of interest with respect to Item 5.B, would not participate in the discussion or the vote, and left Council Chamber.

5.B. EXTENSION OF HOTEL INCENTIVE PROGRAM PARTICIPATION FOR NEW CHURCH II, LLC AND 750 LOFTS, LLC FOR THE ORCHID TREE HOTEL, 261 SOUTH BELARDO ROAD, AND THE 750 LOFTS PROJECT, 750 NORTH PALM CANYON DRIVE FOR A PERIOD OF ONE (1) YEAR FOR PROJECT ENTITLEMENT, WITH CONSTRUCTION COMMENCING NO LATER THAN DECEMBER 31, 2017:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated December 17, 2014.

Mayor Pro Tem Lewin commented on the success of the Hotel Incentive Program, and questioned how many opportunities would have been missed if this program did not exist.

Councilmember Hutcheson commented on the elements of the Hotel Incentive Program, and the success of the program.

Councilmember Mills commented on the development of the program.

Mayor Pougnet thanked Staff for the Valley Voice explaining the program.

ACTION: 1) Approve eligibility for participation in the Hotel Incentive Program by New Church II, LLC for the Orchid Tree Inn & Spa, located at 261 South Belardo Road for a period of one year, extending the deadline for project entitlement until December 31, 2015; the deadline for commencing construction remains on December 31, 2017; and 2) Approve eligibility for participation in the Hotel Incentive Program by 750 Lofts, LLC for the 750 Lofts hotel project, located at 750 North Palm Canyon Drive for a period of one year, extending the deadline for project entitlement until December 31, 2015; the deadline for commencing construction remains on December 31, 2017. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

Councilmember Foat returned to the dais.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Lewin requested the City Manager check if City Parks are not watering during a rain event, commented on the un-housed population in the City of Palm Springs, and requested the City Manager address the palm trees on Palm Canyon.

Councilmember Mills commented on the palm tree maintenance in the Downtown area, requested Staff address the damaged Sail sculpture on Gene Autry and requested Staff remove it until it is repaired, address the lack of maintenance with respect to the private bridge on Indian Canyon, and stated it should also be used for banners.

Councilmember Foat requested Staff address the design of the crosswalk at Merrito and Palm Canyon, and requested the maintenance of the missing decorative street lights.

Mayor Pougnet stated Canyon Estates HOA is violating the water ordinance by watering when raining, and stated many of the restaurants are not following the water restrictions, commented on the College of the Desert and requested Staff address the removal of the Specific Plan, requested Staff address the landscaping at the Horizon Hotel, and address the left turn lanes at Sunrise and Palm Canyon Drive.

ADJOURNMENT: The City Council adjourned at 8:33 P.M. to Wednesday, January 7, 2015, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
7TH DAY OF JANUARY, 2015.**

ATTEST:

STEPHEN P. POUCKET, MAYOR

JAMES THOMPSON, CITY CLERK